

652-11-01
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Attorney Docket No. 50767-P013US-10102765

Date May 10, 2001

j1033 U.S. PTO
09/852992

From
FULBRIGHT & JAWORSKI L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, Texas 75201
214/855-8000

PATENT APPLICATION TRANSMITTAL LETTER

"Express Mail" label no EL 372553775US

Date of Deposit: May 10, 29001

Box PATENT APPLICATION
Commissioner for Patents
Washington, D.C. 20231

I hereby certify that this is being deposited with the United States Postal Service Express "Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

By. Gail L. Miller

Printed/Typed Name: Gail L. Miller

Sir:

Transmitted herewith for filing under 37 C.F.R. 1.53(b) is a(n):

- Utility
 Original patent application,

Inventor(s): **Wayne A. Weimer**

For: **SYSTEM AND METHOD FOR CONTROLLING DEPOSITION PARAMETERS IN PRODUCING
A SURFACE TO TUNE THE SURFACE'S PLASMON RESONANCE WAVELENGTH**

Enclosed are:

1. 46 pages of written description, claims and abstract.
2. 6 sheets of drawings.
3. Combined Declaration and Power of Attorney.
 - (a) Newly executed (original or copy)
 - (b) Copy from prior application (37 CFR 1.63(d)) *(for continuation/divisional if Box 5 completed)*

[Note Box 5 below]

4. Incorporation by Reference *(useable if Box (b) is checked)*.

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 3(b), is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

5. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information
 Continuation Divisional Continuation-in-part (CIP) of prior application Serial No: _____
6. Assignment Papers (cover sheet and document(s)) of the invention to Zyvex Corporation
7. Applicant claims small entity status. See 37 CFR 1.27.
8. Information Disclosure Statement and Form PTO-1449. Copies of IDS Citations.

Date May 10, 2001

9. Request and Certification of Non-Publication
 10. Preliminary Amendment
 11. Return Receipt Postcard (MPEP 503) (*should be specifically itemized*)
 12. Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
 13. Other: _____

14.

Utility Fee Calculation

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 C F R § 1 16(c) or (j))	57	- 20 =	37 X \$ 18	= 666.00
	INDEPENDENT CLAIMS (37 C F R § 1 16(b) or (i))	5	- 3 =	2 X \$ 80	= 160.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1 16(d))			+ 270.00	=
					Basic Fee 710.00
					Total of above Calculations = 1,536.00
	Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28)				768.00
	* Reissue claims in excess of 20 and over original patent ** Reissue independent claims over original patent				TOTAL = \$768.00

Method of Fee Payment

15. A check in the amount of \$768.00 to cover the filing fee is enclosed.
 16. A check in the amount of \$40.00 to cover the assignment recordal fee is enclosed.
 17. Please charge my Deposit Account No. 06-2380 in the total amount of the filing fee and the assignment recordation fee, if any. **A duplicate of this Transmittal Letter is enclosed, if box checked.**
 18. The Commissioner is hereby authorized to charge any deficiency in the enclosed fees under 37 C.F.R. §1.16, or to charge any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment, to Fulbright & Jaworski L.L.P. Deposit Account No. 06-2380.

Respectfully submitted,

Jody C. Bishop
 Registration No. 44,034
 Counsel for Applicant

Date: 5/10/01

Fulbright & Jaworski L.L.P.
 2200 Ross Avenue, Suite 2800
 Dallas, Texas 75201-2784
 Telephone: 214-855-8007
 Telecopier: 214-855-8200

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Wayne A. Weimer

Title: SYSTEM AND METHOD FOR CONTROLLING DEPOSITION
PARAMETERS IN PRODUCING A SURFACE TO TUNE THE
SURFACE'S PLASMON RESONANCE WAVELENGTH

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By: Gail L. Miller

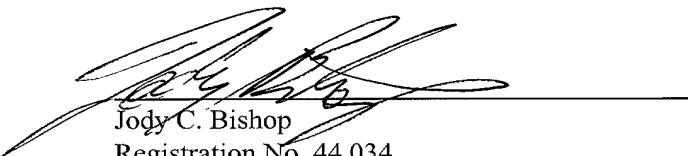
Printed/Typed Name. Gail L. Miller

REQUEST AND CERTIFICATION OF NON-PUBLICATION

Sir:

I hereby certify that the invention disclosed in the attached application has not been,
and is not currently contemplated to be, the subject of an application filed in another country,
or under a multilateral agreement, that requires publication at eighteen months after filing. I
hereby request that the attached application not be published under 35 U.S.C. 122(b).

Respectfully submitted,


Jody C. Bishop
Registration No. 44,034
Counsel for Applicant

Date: 5/10/01

Fulbright & Jaworski L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, Texas 75201-2784
Telephone: 214-855-8007
Telecopier: 214-855-8200